

## HOUSE BILL NO. 96

INTRODUCED BY J. HURDLE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE CHILDREN'S HEALTH CARE INITIATIVE; ALLOCATING A PORTION OF THE TOBACCO SETTLEMENT FUNDS TO THE MONTANA TOBACCO SETTLEMENT TRUST FUND AND THE GENERAL FUND; ALLOCATING AND STATUTORILY APPROPRIATING THE REMAINING TOBACCO SETTLEMENT FUNDS TO COUNTY HEALTH DEPARTMENTS, THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM, MEDICAID, TOBACCO USE PREVENTION, AND MENTAL HEALTH REGIONS FOR PROGRAMS THAT RELATE TO PREVENTIVE SERVICES AND HEALTH CARE; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 and 2] may be cited as the "Children's Health Care Initiative Act".

NEW SECTION. **Section 2. Children's health care initiative -- tobacco settlement fund allocation.**

(1) Money received by the state of Montana from any judgment, settlement, or fine received as a result of a civil or criminal claim against a tobacco company related to the production, marketing, or use of tobacco products is:

(a) allocated 40% to the Montana tobacco settlement trust fund as provided for in Article XII, section 4, of the Montana constitution;

(b) allocated 8% to the general fund; and

(c) allocated and statutorily appropriated, as provided in 17-7-502, as follows:

(i) 20% to an account in the state special revenue fund for the department of revenue to allocate to each county health department, with an equal base sum of \$35,000 annually and an additional amount determined on the basis of the percentage of the population of children under 18 years of age. Counties shall determine local needs in conjunction with schools, day-care providers, and nongovernmental organizations, but, at a minimum, shall use the available funds to provide school nursing and child case

1 management to the fullest extent possible.

2 (ii) 12% to an account in the state special revenue fund to the department of public health and  
3 human services for the state children's health insurance program provided for in Title 53, chapter 4, part  
4 10, and the Montana medicaid program provided for in Title 53, chapter 6;

5 (iii) 10% to an account in the state special revenue fund to the department of public health and  
6 human services to administer tobacco use prevention programs;

7 (iv) 10% to an account in the state special revenue fund for the department of public health and  
8 human services to allocate to the five mental health regions for preventative, evaluative, and direct  
9 services to children in coordination with school nursing and for stepdown care in order to prevent more  
10 serious and long-term illnesses, to minimize the use of emergency hospital services, and to minimize  
11 involvement with the criminal justice system, the foster care system, and special education services.

12 (2) Funding for the programs listed in subsection (1) may not supplant funds existing for the  
13 programs on December 31, 1999.

14

15 **Section 3.** Section 17-7-502, MCA, is amended to read:

16 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory  
17 appropriation is an appropriation made by permanent law that authorizes spending by a state agency  
18 without the need for a biennial legislative appropriation or budget amendment.

19 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply  
20 with both of the following provisions:

21 (a) The law containing the statutory authority must be listed in subsection (3).

22 (b) The law or portion of the law making a statutory appropriation must specifically state that a  
23 statutory appropriation is made as provided in this section.

24 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 3-5-901;  
25 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-23-706; 15-31-702;  
26 15-34-115; 15-35-108; 15-36-324; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404;  
27 16-1-406; 16-1-411; 17-3-106; 17-3-212; 17-3-222; 17-6-101; [section 2]; 17-7-304; 18-11-112;  
28 19-3-319; 19-6-709; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604;  
29 20-8-107; 20-26-1503; 22-3-1004; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631;  
30 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623;

1 53-6-703; 53-24-206; 67-3-205; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-1-505; 80-2-222;  
2 80-4-416; 80-11-518; 81-5-111; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

3 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,  
4 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued  
5 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of  
6 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as  
7 determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the  
8 bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to  
9 sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for  
10 supplemental benefit; pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1,  
11 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of  
12 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability  
13 is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1,  
14 2014; and pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, the inclusion of 15-35-108 and 90-6-710  
15 terminates June 30, 2005.)"

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17 NEW SECTION. **Section 4. Codification instruction.** [Sections 1 and 2] are intended to be codified  
18 as an integral part of Title 17, chapter 6, and the provisions of Title 17, chapter 6, apply to [sections 1  
19 and 2].

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21 NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 2001.

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